

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JULIO I. HERNANDEZ,

Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 3:19-cv-01353-IM

ORDER

IMMERGUT, District Judge.

Plaintiff submitted a motion for attorney’s fees under 42 U.S.C. § 406(b) and supporting materials on October 5, 2021. *See* ECF 21; ECF 22. Plaintiff requests attorney’s fees in the amount of \$8,664.29. ECF 21. In response, Defendant gave “substantive consideration to the merits of Plaintiff’s request and found no basis to object. Therefore, Defendant has no objection to this request and will defer to the Court’s assessment of the matter.” ECF 23 at 1–2.

After considering Plaintiff's briefing and supporting materials, and Defendant's response, this Court hereby ORDERS that fees in the amount of \$8,664.29 shall be awarded to Plaintiff's attorney under 42 U.S.C. § 406(b), subject to an offset of \$4,453.93 for previously paid EAJA fees. *See* ECF 20. When issuing the § 406(b) check for payment to Plaintiff's attorney, this Court directs the Commissioner to subtract the amount awarded under the EAJA and send the balance of \$4,210.36, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney D. James Tree at 3711 Englewood Avenue, Yakima, Washington 98902.

IT IS SO ORDERED.

DATED this 2nd day of December, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge